



The Salisbury Planning Board held its regular meeting Tuesday, April 28, 2009, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Dr. Mark Beymer, Maggie Blackwell, Richard Huffman, Albert Stout, Bill Wagoner and Diane Young

ABSENT: Robert Cockerl, Tommy Hairston, Craig Neuhardt, and Valarie Stewart

STAFF: Preston Mitchell, Diana Moghrabi, and David Phillips

This meeting was digitally recorded for *Access 16* television by Jason Parks. Mark Wineka reported for the *Salisbury Post*.

Diane Young chaired this meeting. Ms. Young called the meeting to order and offered an invocation. The minutes of the March 24, 2009, meeting were approved as submitted. The Planning Board adopted the agenda as submitted.

OLD BUSINESS

Report and recommendation from Committee 3 on G-18-06, The Grand on Julian Apartments

A Planning Board committee meeting was held at 4 p.m., April 14, 2009, at 217 S. Main Street, in the Council Chamber, to receive information regarding **G-18-06** and bring a recommendation to the Planning Board at the April 28 meeting.

This was a plan that was approved under our former ordinance. The exterior finishes went through some changes and staff made note of the changes during an inspection.

There was not much discussion on materials during the original approval process. The plan was well received at Planning Board and City Council. The old ordinance says that, "Any revisions are handled in the same manner as the original submittal." That was not included in the notification letter once approved by City Council.

The only thing on the plan that changed is the elevation/materials. They did not make any changes to the site. Originally, staff had requested that the design of the site borrow from elements that were anticipated in the new code that had not then been adopted. The developer voluntarily provided a driveway that could be converted to a public street and future connectivity could be provided to the adjacent property. They pulled the buildings up to Julian Road,

provided sidewalk for the entire street frontage; the sidewalk system ties into the public sidewalk system.

Karen Alexander said, “We basically got the same project in terms of scope, quality, massing—a good profile...all of the important things people will look at as they ride down the road.”

Tommy Hairston commented at the meeting that, “Even with the changes it is still classic looking.”

Under the new Land Development Ordinance process, this is not likely to happen again. A project of this caliber would now be required to go through the Conditional District process.

April 14, Karen Alexander made a MOTION to approve changes in material and recommends they consider matching the original elevations that were submitted with six shuttered false windows only on the elevation facing Julian Road. The developer agreed. Tommy Hairston seconded the motion and all said AYE. (4-0)

David Phillips later addressed the fact that there is no room for the false (shuttered) windows facing Julian Road. The false windows, however, could be considered for the facade facing internally and can be seen from Julian Road. Karen Alexander said that this had been a suggestion and not a requirement. With the receipt of new information, the motion was amended to say:

Dr. Mark Beymer made an amended MOTION to approve changes in material and recommends they consider matching the original elevations with six shuttered false windows as they were submitted. All members present said AYE. (7-0)

Diane Young read the Courtesy Hearing explanation and procedures.

NEW BUSINESS

A. District Map Amendment

LDOZ-4-01-2009

Ken Harmer

Address: 718 Faith Road

Tax Map–Parcel(s): 071-197

Size / Scope: Approximately 3 acres (1 parcel)

Request to rezone from Residential (UR-8) to Residential Mixed Use (RMX)

Preston Mitchell made a staff presentation; staff recommended in favor of the rezoning. He reviewed the uses allowed in RMX for the Planning Board, which are typically daytime uses. “We are looking at an adaptive reuse of the existing house.”

This area has been chosen to undergo the next area planning process. This area has not witnessed any new growth or investment in almost ten years.

It is now experiencing pressure on the surrounding roadway system from nearby commercial development via cut-through traffic. There is pressure to intensify the Faith Road and East Innes Street corridors and their intersections at Jake Alexander Boulevard with office and/or townhome development.

At the January 26, 2009, visioning session for the Faith Road Area Plan, the residents were generally in agreement that Faith Road should intensify with office and very small-scale commercial uses. Although the area plan is still under development and the Planning Board cannot use the plan in making their Statement of Consistency, you can approach this petition with the knowledge that the community has already spoken on this issue and expects some gradual change in that direction.

Policies for Newer, Existing Neighborhoods

***Policy N-11:** Architecturally compatible, residentially scaled office and institutional development may be permitted to locate along the sides of neighborhood planning areas. Under specified conditions, this policy may be applied to the conversion of pre-existing residential properties located along major streets where, due largely to traffic exposure, homes have become unsuitable for residential occupancy. In such instances, adaptive reuse of existing residential structures shall be viewed more favorably than demolition and new construction.*

Those speaking in opposition

Debbie Miller, of 501 Faith Road, said there is enough commercial property in the area that is vacant. "We don't see a need in having a spot zoning for that area." We would prefer to see the whole area plan processed before rezoning this one particular property.

Those speaking in favor

Petitioner **Ken Harmer**, 718 Faith Road, and Mary Arey, 415 W. Marsh Street, are co-owners of Arey Realty. They are requesting the rezoning so they would be able to add additional agents to their office. They are currently operating as a home occupation.

Mr. Harmer said he responded to a neighbor's complaint about their sign. They have a sign permit.

Mary Arey believes that Ms. Miller's comments in opposition are due to the fact that they are business competitors. Arey Realty is a low-key company and the petition speaks for itself.

Discussion

Staff has received numerous requests for rezoning along Faith Road and has asked those individuals to wait until the City could receive public input and develop a Faith Road Area Plan. The community recognizes transition is eminent.

Maggie Blackwell said that in the Public Hearing process she would like to know if a person speaking is a business competitor.

Dick Huffman has a problem with rezoning one lot in the middle of the area prior to the development of the area plan. He is happy to hear that business is growing for this realtor during this time. Mark Beymer agreed, although rezoning will probably be a trend in the near future.

Residents in the area recognize that Faith Road is a major thoroughfare and a very busy road. The residents have voiced a desire to leave the neighborhoods along Faith Road alone and do not increase their density. The Jake Alexander Boulevard, Faith Road, and Innes Street corridors could transition to office and mixed-use zoning—particularly around existing commercial properties. The intersections around Jake Alexander Boulevard will most likely intensify.

David Phillips informed Planning Board that home occupation is allowed one person outside of the residence as an employee.

Diane Young believes this rezoning would be within the spirit of the area plan and public discussion, but a bit premature. She would await details of the Faith Road Area Plan.

Bill Wagoner said he is not ready to say that area residences have become unsuitable for residential occupancy as stated in the Vision 2020 Policy N-11 statement mentioned earlier.

Mark Beymer made a MOTION. “The Planning Board finds and determines that denial of rezoning petition **LDOZ-4-01-2009** is consistent with the goals objectives, and policies of the Vision 2020 Comprehensive Plan, and hereby recommends DENIAL. Specifically, it has not been determined that the properties along Faith Road have become unsuitable for residential occupancy, and we continue to protect that corridor until such time as we have a plan in place or other indication that would support this revised zoning.” Dick Huffman seconded the motion. Albert Stout opposed the motion, all others voted AYE. (6-1)

This would go forward to City Council with a recommendation to deny.

COMMITTEES

A. **LDOZ-07-2009** Infill Provisions for Minimum Lot Width

Preston Mitchell reviewed the minutes of the April 14, 2009, Legislative Committee A meeting. The infill provisions were built into Land Development Ordinance as a measure of protection for existing neighborhoods. There was a great deal of discussion; however, the committee was split on the recommendation so they will meet again to continue the deliberation.

The Legislative Committee A (Valarie Stewart, Chair; Mark Beymer, Vice Chair; Robert Cockerl, Karen Alexander, Richard Huffman) will meet May 12 at 4 p.m. in the City Hall Council Chamber.

- B.** City Council has made a request for Planning Board to review sidewalk requirements on industrial zoned properties. Legislative Committee B (Albert Stout, Chair; Craig Neuhardt, Vice Chair; Bill Wagoner, Diane Young, Tommy Hairston, Maggie Blackwell) will meet May 12 at 4 p.m. in the City Hall Council Chamber.

The two legislative committees will meet concurrently with the chamber being divided. Joe Morris and Preston Mitchell will staff the meetings. Recording devices will be used and transcribed by the secretary.

OTHER BOARD BUSINESS

Staff announced that the final draft of the comprehensive bike plan has been completed. A copy of the draft is located on the Web site:

http://www.salisburync.gov/lm&d/pb/materials/FinalDraft_SalisburyBicyclePlan_3-20-09.pdf

Copies can be obtained from the secretary, Diana Moghrabi. The Planning Board will appoint a committee to review the plan in the near future. City Council will ask for Planning Board recommendation.

The next Planning Board meeting will be May 26, 2009.

There being no further business to come before the Planning Board, the meeting was adjourned at 5:30 p.m.

Diane Young, Chair

Diana Moghrabi, Secretary